

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12346 MLW

MARLOW WILLIAMS, SR.,  
Pro Se Plaintiff  
v.

GRANT CALLENDAR, OTIS  
HAREWOOD, GREG LONG,  
BRIAN ALBERT, EDWARD  
MEADE, JOHN CONROY, AND  
THE CITY OF BOSTON,  
Defendants

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO RESCHEDULE  
TRIAL DATE**

The defendants, Boston Police Officers, Grant Callendar, Otis Harewood, Greg Long, Brian Albert, Edward Meade, John Conroy, and the City of Boston hereby oppose Plaintiff's Motion to Reschedule Trial Date Due to Special Circumstances. Through his motion, pro se plaintiff seeks to move the trial date from October 30, 2006 to June 26, 2006 due to his Massachusetts criminal conviction and pending criminal action in Tennessee. The defendants request that plaintiff's motion be denied. As grounds, the defendants state:

1. This civil rights case involves complicated issues of constitutional law as well as issues of municipal liability.

2. This case will require extensive discovery and preparation as, in the complaint; the plaintiff has named seven (7) defendants, including the City of Boston, in nineteen (19) separate counts.
3. Accordingly, in order to adequately prepare a defense to plaintiff's allegations, the defendants need the entire discovery schedule ordered by the Court (Wolf, J.) on September 30, 2005.
4. There is still a considerable amount of discovery to be completed in this case, including expert discovery.
5. The defendants anticipate the need to take at least five (5) depositions, including the plaintiff's who is currently incarcerated.
6. The plaintiff has offered no compelling reason why the Court's order should be modified.
7. The plaintiff merely states that he is serving time in Massachusetts for a criminal conviction and that he anticipates being taken to Tennessee for another criminal matter.
8. The plaintiff's criminal issues should not be permitted to affect the Court's schedule or the defendants' need to adequately prepare a defense.
9. Additionally, the plaintiff has not complied with paragraph eleven (11) of the Court's September 30, 2005 Scheduling Order, which explains the requirements for scheduling modifications.
10. Specifically, the plaintiff has not provided "affidavits, other evidentiary materials, or reference to pertinent portions of the record." Further, he also has failed to provide "a summary of the discovery which remains to be taken, and a date certain summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery."
11. In sum, the plaintiff has not provided sufficient cause to warrant a four-month revision of this Court's Scheduling Order.

12. Any such revision of the Court's order would unfairly prejudice the defendants and would not serve the interests of justice.

Based on the foregoing, the defendants request that this Court deny the plaintiff's motion.

Respectfully submitted,  
DEFENDANTS, GRANT CALLENDAR,  
OTIS HAREWOOD, GREG LONG, BRIAN  
ALBERT, EDWARD MEADE, JOHN  
CONROY, AND CITY OF BOSTON  
Merita A. Hopkins  
Corporation Counsel  
By their attorneys:

/s/ Thomas Donohue  
Helen G. Litsas, BBO #644848  
Thomas Donohue BBO #643483  
Assistant Corporation Counsel  
City of Boston Law Department  
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Boston, MA 02201  
(617) 635-4023 - Litsas  
(617) 635-4039 - Donohue

Dated: January 23, 2006

**CERTIFICATE OF SERVICE**

I, Thomas Donohue, hereby certify that on this date I served a copy of the foregoing document to: the pro se plaintiff, Marlow Williams, Sr., 20 Bradston Street, Boston, MA 02118 by postage prepaid, first class, U.S. Mail.

1/23/06  
Date

/s/ Thomas Donohue  
Thomas Donohue